

B. A. I. Order 329

Issued June, 1931

U.S. DEPOSITORY

**United States Department of Agriculture****BUREAU OF ANIMAL INDUSTRY****REGULATIONS GOVERNING THE APPRAISEMENT OF AND  
COMPENSATION FOR TUBERCULOUS AND PARATUBER-  
CULOUS CATTLE CONDEMNED AND DESTROYED IN THE  
CONTROL AND ERADICATION OF TUBERCULOSIS AND  
PARATUBERCULOSIS OF ANIMALS**

Effective on and after July 1, 1931

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 1, 1931.

Under the authority conferred by law upon the Secretary of Agriculture the following regulations are hereby prescribed, to govern the condemnation, slaughter, or death after condemnation of animals, and expenditures on account of the control and eradication of tuberculosis and paratuberculosis of animals, which for purposes of identification are designated as B. A. I. Order 329, and shall supersede B. A. I. Order 302, dated February 15, 1927, and amendment 1 thereto.

These regulations shall become and be effective on and after July 1, 1931.

R. N. DUNLAP, *Acting Secretary.*

**Regulation 1.—DEFINITIONS**

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

SECTION 1. *The department:* The United States Department of Agriculture.

SEC. 2. *The Secretary:* The Secretary of Agriculture of the United States.

SEC. 3. *The bureau:* The Bureau of Animal Industry of the United States Department of Agriculture.

SEC. 4. *Diseases:* Tuberculosis and paratuberculosis of animals.

SEC. 5. *Bureau employees:* Inspectors and all other individuals employed in the bureau who are authorized by the chief of bureau to do any work or perform any duty in connection with the arrest and eradication of diseases of animals.

SEC. 6. *Accredited veterinarians:* Veterinarians accredited by State and bureau.

SEC. 7. *Destroyed:* Condemned and destroyed by slaughter or by death otherwise.

**Regulation 2.—COOPERATION WITH STATES, TERRITORIES,  
COUNTIES, AND MUNICIPALITIES**

Upon determination by the Secretary of Agriculture of the existence of tuberculosis or paratuberculosis in any State, Territory, county, or municipality, the chief of bureau will invite the proper authorities of such State, Territory, county, or municipality to cooperate with the department in the control and eradication of such diseases.

**Regulation 3.—COOPERATIVE AGREEMENTS**

SECTION 1. If it appears to be necessary, for the control or eradication of tuberculosis or paratuberculosis of animals, to destroy cattle affected with either disease, and to compensate owners for loss thereof, the chief of bureau is authorized within his discretion to agree, on the part of the department, with the State, Territory, county, or municipality, to pay not to exceed one-

third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, however, That in no case shall any payment by the department be more than \$25 for any grade animal, nor more than \$50 for any purebred animal.

SEC. 2. No payment by the department shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned.

#### Regulation 4.—APPRAISAL OF CATTLE

SECTION 1. Cattle affected with tuberculosis or paratuberculosis shall be appraised by a representative of the bureau, or a cooperating representative of the State, Territory, county, or municipality; if the owner refuses to accept such appraised value, the animals shall be appraised in accordance with the laws and regulations of the State or Territory in which the animals are condemned. However, the bureau reserves the right to decline to accept any appraisals that appear to be unreasonable and out of proportion to the market value for similar cattle of a like quality.

SEC. 2. Bureau inspectors in charge of the work of eradication of tuberculosis or paratuberculosis in any State or Territory or in any part thereof may act as appraisers of cattle and may detail competent bureau employees under their direction to act as appraisers.

SEC. 3. In the appraisal of tuberculous or paratuberculous cattle due consideration shall be given to their breeding value as well as to their dairy or meat value.

SEC. 4. Appraisals of cattle shall be reported on forms furnished by the bureau (T. E. Form 23, revised). Reports of appraisals shall show the number of animals, the value of each per head, and shall be signed by the appraiser or appraisers and approved by the bureau inspector in charge. Registration names, numbers, and ages of all purebred animals shall be shown (owners are required to present registration papers of all purebred animals over two years of age at the time of appraisal). The Chief of the Bureau of Animal Industry may grant a reasonable time for the registration of animals under 2 years of age, otherwise, such animals shall be appraised as grades. Ages of all animals shall be shown on T. E. Form 23 (revised). The T. E. Form 23 (revised) shall show the amount paid or to be paid by the State, Territory, county, or municipality for said animals, and it shall be signed by a duly authorized official of the State, Territory, county, or municipality making partial payment for said animals. The T. E. Form 23 (revised) shall be signed by the owner of the said animals certifying that the appraisal is accepted by him, and that the amounts due him from the United States and the State, Territory, county, or municipality are correct. One copy of T. E. Form 23 (revised) shall be submitted to the bureau with the claim and one copy shall be retained by the bureau inspector in charge who approves the claim. Additional copies may be prepared and furnished to the State, Territory, county, or municipality officials if required. One copy may also be furnished the owner.

SEC. 5. The tuberculous or paratuberculous cattle shall be destroyed within 30 days of date of appraisal, except that in extraordinary and meritorious cases and at the discretion of the chief of bureau, said time limit of 30 days may be waived, and a report of the salvage derived from the sale of such animals shall be made on T. E. Form 24, which form shall be signed by the purchaser or his agent or by the selling agent handling the animals. If animals are sold by the pound, the T. E. Form 24 must show the weight, price per pound, gross receipts, expenses, if any, and net proceeds. If animals are not sold on a per pound basis, a full explanation must appear on T. E. Form 24, showing how the amount received was arrived at. In the event that the animals are not disposed of through regular slaughterers or through selling agents, in lieu of the T. E. Form 24 the owner shall furnish an affidavit showing the amount of net salvage obtained by him, and certify that said amount is all that he has received or will receive as salvage for said animal or animals. A certificate executed by the inspector in charge will be accepted in lieu of the owner's affidavit. The salvage is the net amount received for the animal. Freight, yardage, commissions, slaughtering charges, truckage, etc., may be deducted, but any charges for holding the animals on the farm pending slaughter shall not be deducted, and any such charges will not be paid by the department. One copy of T. E. Form 24, or the affidavit or certificate of the inspector in charge which, as set

forth above, may be furnished in lieu thereof, shall be submitted to the bureau with the claim and one copy shall be retained by the bureau inspector in charge who approves the claim. Additional copies may be prepared and furnished to the State, Territory, county, or municipal authorities, if required.

### **Regulation 5.—EXPENSE OF DISINFECTION OF PREMISES AND CONVEYANCES**

Stockyards, pens, cars, vessels, and other premises and conveyances will be disinfected whenever necessary for the eradication of tuberculosis and paratuberculosis, by the owners thereof at their expense, under the supervision of bureau or State employees.

### **Regulation 6.—CLAIMS NOT ALLOWED**

SECTION 1. No payment shall be made for any cattle destroyed on account of tuberculosis or paratuberculosis unless the owner has complied with all lawful quarantine regulations, and unless the owner shall have executed the forms required by these regulations.

SEC. 2. The department will not allow claims arising out of the condemnation of cattle for tuberculosis or paratuberculosis on a tuberculin or johnin test applied by other than a bureau veterinary inspector, a cooperating regularly employed State, Territory, county, or municipal veterinary inspector, or an accredited veterinarian.

SEC. 3. No compensation will be paid to owners of tuberculous or paratuberculous cattle except for cattle in States, Territories, counties, or municipalities in which cooperative tuberculosis and paratuberculosis eradication work is being conducted.

SEC. 4. The department will not allow claims arising out of the condemnation of cattle for tuberculosis or paratuberculosis on a tuberculin or johnin test applied by an accredited veterinarian unless specific instructions have been issued to the accredited veterinarian and signed by the proper State and Federal authorities.

SEC. 5. No compensation will be paid to any owner of tuberculous or paratuberculous cattle whose entire herd is not under Federal and State supervision for the eradication of tuberculosis or paratuberculosis.

SEC. 6. No compensation will be paid to any owner for tuberculous or paratuberculous cattle destroyed in any State, Territory, county, or municipality which does not by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous or paratuberculous cattle and for compensation to owners of cattle so destroyed.

SEC. 7. No payment shall be made for any cattle destroyed on account of tuberculosis or paratuberculosis, except in cooperation with and supplementary to payments to be made by the State, Territory, county, or municipality.

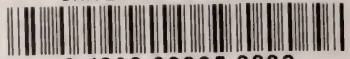
SEC. 8. No compensation will be paid to any owner for cattle destroyed on account of tuberculosis or paratuberculosis until all infected premises have been properly cleaned and disinfected with a disinfectant permitted by the United States Bureau of Animal Industry in accordance with recommendations of the proper State or bureau official.

SEC. 9. No compensation will be paid for tuberculous or paratuberculous steers nor will compensation be paid for bulls which are not purebred.

SEC. 10. No indemnity will be paid on any cattle introduced into a herd under supervision, unless obtained from a herd under State and Federal supervision for the eradication of tuberculosis or paratuberculosis.

SEC. 11. No payment shall be made for any cattle destroyed on account of tuberculosis or paratuberculosis unless the animals shall be marked for identification by branding the letter T on the left jaw, not less than 2 nor more than 3 inches high, and by attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor," or a similar State reactor tag.

SEC. 12. No claim for compensation for the destruction of cattle on account of tuberculosis or paratuberculosis shall hereafter be paid or allowed under the regulations contained in B. A. I. Order 237, dated March 19, 1915, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this order.



SEC. 13. No compensation will be paid to any owner for cattle classified as tuberculous or paratuberculous unless such cattle react to the tuberculin or johnin test, or reveal lesions of the disease upon autopsy.

SEC. 14. No payment shall be made for any cattle contained in a herd if there is substantial evidence that the owner or his agent has in any way been responsible for any attempt to unlawfully or improperly obtain indemnity funds for condemned cattle.

**EXTRACTS FROM AN "ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1932, AND FOR OTHER PURPOSES," APPROVED FEBRUARY 23, 1931. (Public 717, 71st Cong.)**

For investigating the diseases of tuberculosis and paratuberculosis of animals, and avian tuberculosis, for their control and eradication, for the tuberculin testing of animals, and for researches concerning the causes of the diseases, their modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, or State, Territory, or county authorities, \$6,505,800, of which \$1,255,800 shall be set aside for administrative and operating expenses, and \$5,250,000 for the payment of indemnities: *Provided*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary, within the limitations above provided, for the payment of indemnities, for the reimbursement of owners of such animals, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous or paratuberculous cattle and for compensation to owners of cattle so condemned, but no part of the money hereby appropriated shall be used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned or slaughtered shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned; that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful quarantine regulations.